

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
)
Plaintiff,) 4:04CR3140
)
)
v.)
)
JOSEPH MONDAY,)
)
) MEMORANDUM AND ORDER
)
)
Defendants.)

Defendant has filed a motion for bill of particulars, seeking specific information regarding the evidence the government intends to use at trial. The purpose of a bill of particulars is not to apprise the defendant of the government's evidence as such, but rather, to notify the defendant of the specific acts encompassed within the charges made in the indictment and to protect the defendant from double jeopardy in the event of a later prosecution. Upon consideration of the motion, I note the indictment does not apprise defendant of the acts the government will attempt to prove at trial with adequate specificity to meet these ends. I think additional information is necessary to meet the purposes of fair notice. Since the prosecutor has apparently refused to provide it, I shall order a bill of particulars filed.

IT THEREFORE HEREBY IS ORDERED:

1. The motion for bill of particulars, filing 21 is granted in part, and the government shall, within ten days, file a bill of particulars setting forth the specific acts--including dates, times, places, persons present, and actions taken by each--that the government will attempt to prove at trial.

DATED May 13, 2005

BY THE COURT:

s/ *David L. Piester*
United States Magistrate Judge